

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

and

BAY MILLS INDIAN COMMUNITY, SAULT
STE. MARIE TRIBE OF CHIPPEWA INDIANS,
GRAND TRAVERSE BAND OF OTTAWA AND
CHIPPEWA INDIANS, LITTLE RIVER BAND OF
OTTAWA INDIANS, and LITTLE TRAVERSE
BAY BANDS OF ODAWA INDIANS,

File No. 2:73 CV 26

Hon. Richard Alan Enslen

Plaintiff-Intervenors,

v

STATE OF MICHIGAN, et al,

Defendants.

**ORDER AMENDING SECTIONS
VII.A.7.b.2, VII.A.7.c AND VII.A.7.e OF CONSENT DECREE**

A Consent Decree was entered on August 7, 2000, upon the stipulation of the parties, with the involvement of *amici curiae*, by which the Court established regulation, management and allocation of fish resources in the Great Lakes subject to the treaty fishing rights reserved in the Treaty of March 28, 1836 (7 Stat. 491) for the time period of 2000 to 2020.

The parties, with *amici curiae*, have engaged recently in extensive negotiations to resolve a dispute about the lake trout management regime set forth in Section VII of the 2000 Consent Decree, and have resolved that dispute under the dispute resolution provisions of the Decree found at Section XIX. The parties have executed a stipulation for amendment for Sections

VII.A.7.b.2, VII.A.7.c AND VII.A.7.e of Consent Decree, in which the *amici* have concurred. The Court approves the agreement of the parties set forth in the Amendment and enters this Order:

IT IS HEREBY ORDERED that Section VII.A.7.b. is hereby amended to read:

The following phase-in to target levels based on reduction in harvest shall apply to Tribal harvest limits in MM-1, MM-2, and MM-3 (combined) for the period 2001 through 2006 in any year in which this phase-in method results in a higher commercial harvest limit than the method in sub. a., above; provided, that the Tribal harvest limit in MM-1, MM-2, and MM-3 (combined) shall not be less than 450,000 pounds round weight in any year during this period;

(1) Unchanged

(2) For the years 2002 through 2006, the Tribes' lake trout harvest limit shall be their prior year's harvest limit, less the reduction in lake trout harvest projected from gill net conversions under Section X.C. occurring since the calculation of the previous harvest limit.

IT IS FURTHER ORDERED that Section VII.A.7.c. is hereby amended to read:

Phase-in to target levels based on reduction in effort or change in regulations shall apply in years 2001 through 2005 in units MH-1 (excluding the Bay Mills Small Boat Zone) and MI-6, and in years 2001 through 2006 in unit MM-4, as described below:

(1) Unchanged

(2) Unchanged

IT IS FURTHER ORDERED that Section VII.A.7.e is hereby amended to read:

Phase-in to target levels in unit MM-4 shall be based on a Tribal share of sixty percent (60%) and a State share of forty percent (40%) during the period 2007 through 2009.

IT IS FURTHER ORDERED that the phase-in period for lake trout harvest limits in management units MM-1, MM-2, MM-3, and MM-4 may be extended by the parties through the filing of a notice to the Court no later than October 30, 2006, of the duration of the extension upon which the parties are agreed.

/s/ Richard Alan Enslen

Hon. Richard Alan Enslen

U.S. District Court Judge

Dated: January 9, 2006

cases/1990/us v mich/inland filing/west dist/pleadings/order amending consent decree